

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BRITTANY HAWKINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	
GEORGIA UNITED CREDIT UNION,	)	
	)	
Defendant.	)	

**DEFENDANTS' NOTICE OF REMOVAL**

COME NOW Defendant Georgia United Credit Union (“Defendant” or “GUCU”), and, pursuant to 28 U.S.C. § 1331, 1441, and 1446, hereby file this Notice of Removal and remove this action from the Superior Court of Gwinnett County to this Court on the basis of federal question jurisdiction. In support of removal, Defendants respectfully show the Court as follows:

1.

On March 20, 2023, Plaintiff Brittany Hawkins (“Plaintiff”) filed her Complaint in the Superior Court of Gwinnett County (the “State Court Action”), asserting claims under federal law against Defendant. The State Court Action is presently pending under the caption *Brittany Hawkins v. Georgia United Credit Union* and is docketed as Civil Action File No. 23-A-02268-9.

2.

**State Process, Pleadings, and Filings:** Pursuant to 28 U.S.C. § 1446(a), Defendant attaches hereto a true and correct copy of Plaintiff's Complaint in the State Court Action (the "Complaint"). *See Exhibit A.* Defendant also attaches all process, pleadings, and orders from the State Court Action under 28 U.S.C. § 1446(a). *See Exhibit B.*

3.

**Timely Removal:** As attached hereto, Plaintiff served Defendant on June 20, 2023. *See Exhibit A.* Thus, in accordance with 28 U.S.C. § 1446(b)(1), Defendant shows this Notice is filed within thirty (30) days after its receipt of a copy of the initial pleading setting forth Plaintiff's claims for relief.

4.

**Federal Claims:** On its face, Plaintiff's Complaint seeks recovery from Defendant for alleged violations of the Americans with Disabilities Act. *See Exhibit A.* Plaintiff alleges "I have been harassed" due to a "disability." *See Id.* Plaintiff further alleges she has "filed with EEOC and letter of rights." *Id.* Plaintiff further makes reference to the Family and Medical Leave Act. *Id.*

5.

**Original Question Jurisdiction:** Accordingly, the State Court Action is a civil

action over which this Court has original jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1343 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446 because it is founded on claims or rights arising under the laws of the United States, namely the Americans with Disabilities Act, as amended. While the Complaint is unclear, to the extent Plaintiff asserts any claim under state law, the Court must also exercise supplemental jurisdiction over these claims. *See* 42 U.S.C. § 1367.

6.

Under 28 U.S.C. § 90(a)(3), the United States District Court for the Northern District of Georgia is the district court having jurisdiction over the geographical area where the State Court Action is pending. Thus, Defendant may remove this action from the Superior Court of Gwinnett County to this Court pursuant to 28 U.S.C. § 1446(a).

7.

After its filing of this Notice of Removal and receipt of a notice of filing and docketing, Defendant will contemporaneously provide written notice of this Notice of Removal with the Clerk of the Superior Court of Gwinnett County and serve its Notice of Removal on Plaintiff which shall effectuate removal pursuant to 28 U.S.C. § 1446(d). A copy of the contemporaneous Notice of Notice of Removal provided to

Plaintiff is attached hereto as **Exhibit C**. Defendant also contemporaneously filed a written notice with the Clerk of the Superior Court of Gwinnett County, a copy of which is attached hereto as **Exhibit D**.

8.

After the undersigned performed a reasonable inquiry—and to the best of the undersigned’s knowledge, information, and belief—this Notice of Removal is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

9.

**Defendant Consents to Removal:** The undersigned counsel represents the only named Defendant in this case and Defendant consents and authorizes the undersigned counsel to removal to this forum. Therefore, Defendants’ removal of this action complies with 28 U.S.C. § 1446(b)(2)(A) as all Defendants of record consent and authorize the undersigned counsel to the removal to this Court.

**WHEREFORE**, based on the foregoing, Defendant respectfully requests that this the State Court Action be removed to this Court from the Superior Court of Gwinnett County and this Court assume full jurisdiction over this matter as provided by law.

This 20<sup>th</sup> day of July, 2023.

**JACKSON LEWIS P.C.**

/s/ Timothy M. Boughey

Dion Y. Kohler

Georgia Bar No. 427715

Timothy M. Boughey

Georgia Bar No. 832112

171 17<sup>th</sup> Street, N.W.

Suite 1200

Atlanta, Georgia 30363

T: (404) 525-8200

Dion.Kohler@jacksonlewis.com

Timothy.Boughey@jacksonlewis.com

**CERTIFICATION OF COMPLIANCE**

In accordance with Civil Local Rules 5.1C and 7.1D, I hereby certify that this document has been prepared in 14 point, Times New Roman font.

**JACKSON LEWIS P.C.**

/s/ Timothy M. Boughey

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Defendant.	)	

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing **DEFENDANT'S NOTICE OF REMOVAL** by filing the pleading with the Court's e-filing system which will generate electronic service to all parties of record. I also mailed a copy to Plaintiff pro se at the following address:

Brittany Hawkins  
P.O. Box 1532  
Pine Lake, Georgia 30072  
Bhawkins00003@gmail.com

This 20<sup>th</sup> day of July, 2023.

**JACKSON LEWIS P.C.**

/s/ Timothy M. Boughey  
Dion Y. Kohler  
Georgia Bar No. 427715  
Timothy M. Boughey  
Georgia Bar No. 832112

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